

media links", filed May 26, 2000 and issued July 27, 2004, hereinafter "Sass". Applicant traversed the rejection on the grounds that Sass was filed after the 10/29/1999 priority date of the present application and is consequently unavailable as a reference. Applicants were next notified of a new final Office action on 3/10/2010. In that Office action, Examiner rejected 5 claims 1-28 under 35 U.S.C. 103 as obvious over the combination of Levy with a new reference, U.S. patent 6,546,421, Wynblatt, et al., *System and method for automatic selection of internet data streams*, filed June 30, 1999 (hereinafter "Wynblatt"). Applicants are traversing the rejection.

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## Traversal

### Why the combination of Levy and Wynblatt does not support a rejection under 35 U.S.C. 103

In order to make a rejection under 35 U.S.C. 103, Examiner must make a *prima facie* case of 15 obviousness. One of the elements of the *prima facie* case is that the combined references disclose all of the limitations of the claim under rejection. Claim 1 as presently amended reads as follows:

1. (currently amended) A method *performed in a search server* of initiating a connection via a network for a streaming data item between a client for the streaming data item and a streaming data item server that contains the streaming data item, the client and the streaming data item server and the client and the search server being accessible to each other via the network, the connection being independent of the search server, and the method comprising the steps of:
  - 7 receiving a specification of the streaming data item from the client via the network;
  - 9 using the specification to make a query on a database system that is accessible to the search server, the query returning a first identifier that identifies the streaming data item; and
  - 12 providing the first identifier and a second identifier to the streaming data item server that contains the streaming data item, the second identifier identifying the client and the first identifier and the second identifier being used by the streaming data item server to establish the connection between the client and the streaming data item.

At page 3 of his final rejection, Examiner states that Fig. 3 and Col. 4, lines 55-61 of Wynblatt disclose the limitations of the last clause of the claim (lines 12-16). The limitations of claim 1's last clause are disclosed neither at that location nor anywhere else in Wynblatt, and consequently, Examiner has failed to make the required *prima facie* case.

Most of the disclosure for what Applicants are claiming in the present application may be found at page 21, line 29-page 24, line 8. As set forth at page 22, line 29-page 23, line 2 of the present application,

5 Because of the problems with delivering streaming data through a database system, database systems have generally been limited to providing the *location* of the desired streaming data to the user, with a separate interaction between the user and the source of the streaming data being required to actually obtain the video or audio data.

10 Wynblatt is a good example of the prior-art technique of providing the client with the location of the streaming data and letting the client establish the connection with the streaming data server. Wynblatt's FIG. 2 shows a system for delivering streaming data to a client. The figure is described at col. 2, line 54-col. 3, line 50. As set forth there, Wynblatt's local computer 115 executes a client program 116 which accesses data streams from data stream servers 110, 15 descriptions of the data streams' contents from descriptive WWW servers 111, and files with lists of URLs for data streams and data stream descriptions in servers 111 and 110 from friendly server 112. See in this regard col. 2, line 57-col. 3, line 26.

20 The flowchart of FIG. 3 shows how client program 116 interacts with servers 110 and 111 and friendly server 112 to obtain streaming data. The flowchart is described at col. 3, line 53-col. 7, line 57. As is apparent from the discussion, all of the steps of the flowchart are performed by client program 116. In steps 301 and 302, the client downloads "data source addresses" from friendly server 112. The data source addresses are URLs of data streams in data stream servers 110 and descriptive pages from descriptive servers 111 (col. 4, lines 17-25, lines 55-56). In step 25 303, the client uses the downloaded URLs of descriptive pages to download descriptive data about the data streams (col. 4, lines 55-61). In step 304, the client employs a value function to choose the preferred stream. In step 305,

30 the client program 116 initiates a connection to the corresponding data stream server 110 and requests the data stream (step 305) (if a different data stream was previously opened, it is closed at this time). In particular, the client 116 and server 111 establish a streaming connection using a standard protocol such as RTSP. Once the streaming connection is established, the client 116 begins receiving data and processing the data, which is then output by the local computer 115 as appropriate for the given application. (col. 7, lines 19-27)

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From the flowchart of FIG. 3 and the foregoing description, there can be no doubt that it is Wynblatt's *client* that establishes the connection with the streaming server. This fact places

Wynblatt squarely within the prior art techniques set forth at page 22, line 29-page 23, line 2 of the present application. In those techniques, it is the *client* which interacts with the streaming server to establish the connection. The client provides the URL for the streaming data and the client's own ID to the server and the streaming server uses the URL and the client's ID to set up the connection.

5 Applicants' claim 1, by contrast requires that the method step

10 providing the first identifier and a second identifier to the streaming data item server that contains the streaming data item, the second identifier identifying the client and the first identifier and the second identifier being used by the streaming data item server to establish the connection between the client and the streaming data item.

15 be "performed in a search server" (claim 1, line 1). The method step thus requires that the *search server* (not the client) provides the first identifier (the id for the streaming data item) and the second identifier (the ID for the client) to the streaming data item server. The *streaming data item server* (not the client) then uses the identifiers to establish the connection between the client and the streaming data item.

20 Wynblatt discloses nothing like the claimed interaction between the search server and the streaming data item server on the one hand and the client on the other hand to establish the connection for the streaming data item between the streaming data item server and the client. The location cited by Examiner in his rejection, col. 4, lines 55-61, simply states that Wynblatt's client program uses HTTP to download descriptive pages from the descriptive servers 111, and thus discloses nothing about the manner in which a connection is established 25 with the client which goes beyond what is disclosed at Wynblatt's col. 7, lines 19-27, quoted above. *Because* Wynblatt discloses nothing like the last step of the method of claim 1, the combination of Wynblatt and Levy does not disclose all of the limitations of the claim and Examiner has not made his *prima facie* case of obviousness.

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Applicant's independent claims 1, 5, 9, 15, 19, and 23 all clearly set forth the foregoing distinction between Applicants' techniques for establishing a connection between the client and the streaming server and the prior art solution of Wynblatt, and consequently none of

Applicants' independent claims is rendered obvious by the combination of Wynblatt and Levy. Because that is the case, none of Applicants' dependent claims is rendered obvious by the combination. As will be explained in the following, many of the dependent claims have added limitations that are not disclosed in the combination of references and are consequently patentable in their own rights over the references.

Dependent claims 3, 7, 13, 21, and 27

The added limitations in these claims are set forth in claim 3:

3. (original) The method of initiating a connection set forth in claim 1 wherein:  
10        the database system is an object relational database system that includes a table containing an object that represents the streaming data item,  
        an open method for the object is defined in the database system, the open method returning the first identifier; and  
15        the database system responds to the query by executing the open method and returning the first identifier.

Examiner finds the additional limitations at col. 4, lines 26-36 of Levy. The cited location describes the operation of plan generator 114 in FIG. 1. What plan generator 114 does is “formulate[] a plan for answering the query that satisfies and exploits the capabilities of the information sources”. There is no indication whatever that the plan generator is an “object relational database system” within the meaning of the term “object relational” as it is defined at page 9, lines 11-25 of Applicants’ Specification, that the plan generator “includes a table containing an object that represents the streaming data item, that the plan generator defines “an open method” for the object [that represents the streaming data item”, or that the plan generator “respond[s] to the query by executing the open method”. Because Levy does not disclose the added limitations of claim 3, the combination of references does not show all of the added limitations of the claim, and claim 3 is patentable in its own right over the references. The foregoing argument applies equally to claims 7, 13, 21, and 27.

30 Dependent claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28

As for these claims, the Rodriguez reference which is added to supply the additional limitations of these claims has a filing date of September 23, 2002 and a publication date of July 27, 2004, and would consequently not appear to be available as a reference against the claims of the present application.

**Conclusion**

Applicants have demonstrated that all of Applicants' independent claims have limitations which are not disclosed by the combination of Levy and Wynblatt and have thereby traversed Examiner's final rejection. Applicants consequently respectfully request that Examiner withdraw the finality of his rejection and continue with his examination. No fees are believed to be required for this amendment. Should any be, please charge them to deposit account number 501315.

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Respectfully submitted,

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